

some assented to. Then the commons lovingly thanked the king, and much praised his witte, that he had denied it to them when they unworthely demaunded it and had bountyfully graunted it when he perceyved that they sorowed and lamented.

While the Parliament sat, on the xxx. day of Marche at after none there came into the common house the lord Chauncellour and dyvers lordes of the spiritualltie and temporalltie to the nomber of xii. and there the lorde Chauncelor sayde, you of this worshipful house I am sure be not so ignorant but you know well that the kyng our soveraygne lord hath married his brothers wyfe, for she was both wedded and bedded wyth his brother prince Arthur, and therefore you may surely say that he hath married his brothers wyfe, if thys mariage be good or no, manye clerkes do doubt. Wherefore the kinge lyke a vertuous prince willinge to be satisfied in his conscience, and also for the suretie of hys realme hath with great deliberacion consulted with great clerkes, and hath sent my lord of London here present to the chiefe Universities of all Christendome to know their opinion and judgement in that behalfe. And althoughe that the Universities of Cambridge and Oxford had bene sufficient to discusse the cause, yet because they be in his realme and to avoyde all suspicion of parcialitie he sente into the realme of Fraunce, Italy the Popes dominions, and Venicians to knowe their judgements in that behalfe, which have concluded, written and sealed their determinacions according as you shall hear read. Then sir Brian Tuke toke oute of a boxe xii. wrytynges sealed, and read them word by word, as after ensueth translated out of Latin into the Englysh tongue.

The determination of the universitie of Orleance.

Not long syns there were put forth to us the Colledge of doctors regentes of the Universitie of Orleance, these two questions that folow. The fyrste, whether it be lawful by the lawe of God for the brother to take to wyfe that woman whom his brother hath left? The seconde, yf this be forbidden by the lawe of God, whether this prohibicion of the lawe of God may be remitted by the Pope his dispensacion?

Wee

THE XXII.
YERE
[1530-31]

Orleance.

THE XXII.
YERE
[1530-31]

Wee the foresaid College of doctors regentes according to our custome and usage came many times together, and did sat divers times upon the discussyng of these forsayd doubttes and questions and did examine and way as much as we might divers and many places both of the old testament and new, and also the interpreters and declarers both of the law of God and the Canon lawe. After we had wayed and considered all thinges exactely and wyth good leysure and deliberacion, we have determined and concluded that these forsayd mariages cannot be attempted nor enterprised except a man do wrong and plaine contrary to the law of God: yea and that althoughe it be done by pardon and suffer-aunce of the Pope. And in witnes of this conclusion and determynacion we have caused this present publike writing to be signed by our Scribe of our sayd Universitie, and to be strengthed and fortifyed with the seale of the same: Enacted in the chapel of our lady Annunciacion, or the good tydynges that she had of Christes comyng in Orleauce, the yere of our Lorde M.D.xxix. the v. day of April.

The determination of the facultie of Decrees of the universitie of Paris.

Lawers of
Paris.

In the name of the Lorde so be it. There was put forth before us the Deane and College of the right counsaill ful facultie of Decrees of the Universitie of Paris this question. Whither that the Pope myght dispence that the brother myght mary the wyfe that his brother hath left, yf the mariage betwene his brother now dead and hys wyfe were once consummate? we the Deane and College of the sayd facultie after many disputacions and reasons made of bothe sydes upon this matter and after great and longe turnyng and serching of bokes, bothe of the lawe of God and the Popes law and of the law Civil, we counsayl and say that the Pope hath no power to dispence in this forsayde case: In witnes wherof we have caused this present writing to be strengthed with the seale of our facultie and with the signe of our Scribe or chiefe Bedle. Geven in the congregacion or assemble at saint Jhon Laterenense in Parys the second day of May M.D.xxx.

*The determinacion of Civilians and Canonistes
of the universitie of Angew.*

Not long tyme syns there were purposed unto us the Rector and doctors, Regentes in law canon and civile of the universitie of Angew these ii. questions here folowyng, that is to wete, whether it is uneful by the lawe of God and the lawe of nature for a man to mary the wyfe of hys brother that is departed wythout chyldren, so that the mariage was consummate? And agayne whether it is lawfull for the Pope to dispence wyth such mariage? We the aforsayd Rector and doctors have accordyng to our custome and usage many times communed together and sytten to dispute these questions, and to fynde out the certaintie of them. And after that we had discussed and examined many and divers places aswel of the law of God as of the law of man, whyche semed to pertayne to the same purpose, and after that we had brought for bothe parties and examined them. All thinges faythfully and after good conscience considered and upon sufficient deliberacion and avisement taken, we defyne and determyne that neyther by the lawe of God nor of nature it is permitted for any christen man, no not even with the authoritie of the sea Apostolike, or wyth anye dispensacion graunted by the Pope to mary the wyfe that his brother had lefte, althoughe hys brother be departed wythout children, after that the mariage is once finished and consummate. And for wytnes of these aforsayde thinges, we have commaunded our Scribe of our sayd Universitie to signe this present publik instrument, and it to be fortifyed wyth the great seale of oure Universitie, Enacted in the church of S. Peter in Angew, the yere of our Lorde, M.D.xxx. the vii. day of May.

*The determinacion of the facultie of divinitie
in the universitie of Paris.*

The Deane and the facultie of the holye divinitie of the universitie of Paris, to all them to whom this present writing shall come wysheth safetie in our savior Jesu Christ which is the very true safetie: Where of late there is risen a great controversie of greate difficultie upon the mariage betwene the most noble Henry the viii. kyng of England defendor

THE XXII.
YERE

[1530-31]

Angew.

Paris.

THE XXII.
YERE
[1530-31]

defendor of the fayth and lorde of Ireland &c. and the noble lady Katherine quene of England, doughter to the Catholike kynge Ferdinand, which mariage was not onelye contracte betwene her and her former husband, but also consummate and fynyshe by carnall intermedeling. Thys question also was purposed to us to discusse and examine accordyng to justice and trueth, that is to say, whether to mary her that our brother dead without chyldren had left being so prohibited by the law of God and nature, that it cannot be made lefull by the Popes dispensacyon, that any Christen man shoulde mary the wyfe that hys brother had left? We the foresayd Deane and facultie callynge to oure remembraunce, how vertuous and how holy a thyng and how agreable to our profession, unto our dutie of love and charitie, it is for us to shewe the waye of Justice and ryght, of vertue and honestie to them whyche desire to leade and passe over their life in the law of our Lord wyth sure and quiet conscience: could not but be ready to satisfie so honest and just requestes: wherupon after our old wont, we came together upon our othe in the church of S. Maturyne, and there for the same cause had a solempne Masse wyth devout prayer to the holy Ghost. And also we toke an oth every man to delyber and to study upon the forsayd question, as shoulde be to the pleasure of God, and according to conscience? And after divers and many Sessions or sittings, which were had and continued in the churche of saynt Maturyn, and also in the college called Sarbone from the viii. day of June to the second day of July. When he had searched and examined through and through wyth as much diligence as we coulde and with suche reverence and religion or conscience as becommeth in suche a matter, bothe the bokes of holy scripture, and also the most approved interpreters of the same: Finally the general and synodall counsayles, decrees and constitucions of the sacre and holy churche, which by long custome hath bene receyved and approbate, we the forsayd Deane and facultie disputing upon the forsayd question and makinge answeere to the same, and that after the judgement and full consent of the most part of the sayd facultie have concluded and determyned that the forsaid mariage with the brothers wyfe departyng without children be so forbidden both by the lawe of God and of nature, that the Pope hath no power

to

to dispence with such mariages, whether they be contract or to be contract. And for credence, beleve, and witnes of thys our Assercion and determinacion, we have caused the seale of oure facultie wyth our Notaries sygne to be put unto this present wrytyng. Dated in our generall congregacion that we kepe by an othe at saint Maturynes, the yere of our Lord M.D.xx. the second day of July.

THE XXII.
YERE
[1530-31]

*The determinacion of the universitie of Burges
in Berry or Biturs.*

We the Deane and facultie of divinitie in the Universitie of Burges, because we will according to the example of S. Paule doctor of the Gentiles, which doeth likewyse, wyl begyn our writing with praier unto al the beloved of God, among whom you moste deare readers unto whom we wryte be called, grace peace and quyetnes of conscience come to you from God the father and from our Lord Jesu Christ: while we were gathered together all into one place (in the octaves of Whytsontide) both in body and minde, and were sitting in the house of the sayd deane, there was a question put to us agayne, whiche had bene purposed to us often tymes before, beyng no final question, which was this: Whither the brother taking the wyfe of his brother now dead, and the mariage once consummate and perfite doth a thyng unlawfull or no? At the last when we had fought for the trueth of the thyng and had perceived and founde it out by much labour and studye of every one of us by himselfe, and by much and often turning of holy bokes, everye one of us not corrupt, wherby we myght the lesse obey the trueth, began as the holy gost did put in his mind to geve every man one arbitrement and sentence which was this. I have wel perceyved in very trueth without regard or respect of any person that those persons which be rehersed in the xviii. cha. of the Levitical law, be forbidden by the very law of nature to contract matrimonye together, and that this lawe can in no wyse bee released by any authoritie of any manne, by the whiche there is made an abhominable dyscoverynge of hys brothers foulnes. And this is the signe of oure commen Bedyl or Notarie and the seale of our forsayd facultie put unto thys present wrytyng the x. day of June, in the yere of oure Lord M.D.xxx. And because the

Burges.

fote

THE XXII.
YERE
[1530-31]

fote of our writinge shalbe of one forme and fashyon wyth the head, as we began wyth prayer, so let us ende after the example of S. Paule that we spake of before, and say, the grace and favor of oure Lorde Jesu Christe, the charitie and love of God and the comunicacion of the holy Ghost be wyth you all. Amen.

*The determinacion of the divines in the popes
universitie of Bonony.*

Bonony.

God best and mightiest taught first the olde lawe and testament wyth his owne mouthe, to forme and fashyon accordynge to love and charitie, the maners and lyfe of men. And secondarely the same God dyd take afterwarde manhod upon hym for to be the redemer of man, and so made the newe lawe or newe Testament not onely to forme and fashyon accordynge to love and charitie the lyfe and maners of men, but also to take away and to declare doubtles the which did aryse in manye cases whiche when they be once clerely determined shall helpe greatly to perfite vertue and goodnes, that is to saye, to perfite love and charitie. Wherefore we thought it evermore, that it shoulde be our part to folowe these most holy doctrynes and lawes of our father of heaven, and that we lightned by the lyght of God above, and of the holye ghost, shoulde geve oure sentence and judgement in hygh and doubtful matters after that we have once leyserly and sufficientlye taken advisement upon the cause, and have clerely serched out and opened the thing by many reasons and writings of holy fathers aswel for the one part as for the other, doynge nothyng as nere as we can rashly or wythout deliberacyon. Therefore where certayne great and noble men did instantly desire us, that we would wyth al diligence possible loke for thys case that after ensueth, and afterwarde to geve our judgement upon the same, accordynge to moste equitie, ryght and conscience, stickynge onely to the trueth: All the Doctors of Divinitie of this Universitie, when we had every one by hym selfe examined the matter at home in our houses, came altogether into one place and there treated upon it many dayes wyth asmuche conning and learnynge as we could, we anon loked on the case together, we examyned it together, we compared all thyng together, we handelyng every thing by it selfe, dyd
trye

trye them even as you woulde saye by line and rule, wee brought forth al maner of reasons, which we thought could be brought for the contrary part, and afterward solved them, yea even the reasons of the moste reverende father Cardinall Caietayne, yea, and moreover the Deuteronomy dispensacion of stirrynge up the brothers seede, and shortly after all maner of reasons and opinions of the contrary part, as manye as semed to belong to thys purpose, and thys question that was asked of us was this: Whether it was forbydden onely by the ordinaunce of the churche or els by the law of God, that a man myght not marye the wyfe left of his brother departed wythout children: and if it were commaunded by both the lawes not to be done, whether the Pope may dispence with any man to make such mariage? the whiche question nowe that we have examined it both by your selfe secretly and also openly and diligently and exactly as we could possible, and discussed it after the best maner that our wittes wold serve: we determine, geve judgement and say, and as stifly as we can we witnes and without anye doubt do stedfastly hold that this mariage should be horrible, accursed and to bee cried out upon and utterly abhominable not onely for a christen man, but for an infidele, unfaythfull or heathen. And that it is prohibite under grevous paynes and punishementes by the lawe of God, of nature and of man, and that the Pope, though that he almoste may do all thinges, unto whom Christ did geve the keyes of the kingedom of heaven, hathe no power to geve a dispensacion to any man for to contract suche a mariage for any maner of cause, consideracion or suggestion: And all we bee ready at al tymes and in all places to defende and maintayne the truth of this our conclusion. In witnes wherof we have made thys present writing, and have fortessed the same both with the seale of our universitie and also with the seale of oure College of Doctors of Divinitie, and have subscribed and signed wyth our general and accustomed subscription in the Cathedral churche of Bonony the x. day of June, the yere of our Lord M.D.xxx.

THE XXII.
YERE
[1530-31]

*The determinacion of the facultie of divinitie in the
universitie of Padua in Italy.*

Thei that have written for the maintenaunce of the
catholick

THE XXII.
YERE
[1530-31]

catholick faith affirme that God best and mightiest did geve the preceptes and commaundementes of the olde law with hys owne mouthe, to be an example for us, wherein we might se howe we should order oure lyfe and maners, and this God had done before he became manne : and after that he had put upon hym our manhode and was become redemer or byer of mankynde, He made the newe lawe or Testament, and of his mere liberalitie dyd geve it us, not onely for the cause aforsayde, but also to take away and declare all maner of doubttes and questyons that myght aryse, the which once opened and declared what their very true meaning is to thentent that therby we myght be made perfly good, which be greatly fruytful to us and holsome : and seyng that this was the mynd of God in makyng these lawes, it hath ben our entent and evermore shalbe, as it becommeth christen men to folow these most solempne ordinaunces of the moste high workmayster God, and the help of hys light, that is above the capacitie of nature, to utter our judgement in al maner of doubttes and harde questions. After we had once considered the thing after the best maner, and had by sufficient leysure made it clere by many evident reasons of both parties, and by many authorities of the fathers of the Church, determyng no thyng as nere as we can, rashely or wythout convenient deliberacion. Seyng therefore that certain great Orators or ambassadors did humbly require and pray us, that we would vouchesafe and serche out with all the diligence that we could this case folowing and afterwardes to geve our sentence upon the same, plainly and symply loking onely on the trueth. After the Doctors of divinitie of this Univer-sitie came together, and that we had every man examined the thinge particularly in our owne houses, and have beaten it with all learnynge and connyng that we were able : Anon when we wer together, we considered, examined and wayed all thinges by themselves, and brought in al maner of reasons, which we thought might by any meanes be made to the contrary, and without al colour or cloke dyd wholly and clerely dissolve them and take them away. And amongst al, the dispensacion by the lawe of Deuteronomy of styrryng up the brothers sede, and al maner other reasons and determinacions to the contrarie, that semed to us to pertain any thing to that purpose, we utterly confuted and dispatched them. And the question that is put to

to us, is this: Whether to mary the wife of our brother departed wythout chyldren is forbidden only by the lawe of the church or by the law of God also: and yf it be forbidden by bothe these lawes, whether the Pope may dispence with any man for such matrimony or no? which question now that we have discussed it, and as farre as we could, have made it clere, both privately every man by hym selfe and after al togethers openly, we say, judge, decree, witnes and for a truth affirme that such mariage is no mariage, yea and that it is abhorred and cursed of every christen man, and to be abhominat as a grevous sinne. And that it is as clearly as can be forbidden under moste cruel penalties by the lawes of nature, of God and of man: And that the Pope, unto whom the keyes of the kyngdome of heaven be committed by Christ the sonne of God, hath no power to dispence by the right and law for any cause, suggestion or excuse, that anye suche matrimony shoulde be contracte. For those thynges which be forbidden by the law of God be not underneth hys power, but above it, nor he is not the Vicar of God as concernyng those thynges, but only in such thynges as God hath not determyned him selfe in his law, but hath lefte them to the determinacion and ordinaunce of man. And to maintayne the trueth of this our sentence and conclusion, and for moste certayne and undoubted defence of the same, we al of one minde and accorde shall at al tymes and in every place bee redy. In witnes wherof we have made this writing and have authorised it with the accustomed seale of our Universitie and also of our College of divines, Dated at Padway in the Church of the Hermites of saint Austen the first day of July, in the yere of our Lord M.D.xx.

THE XXII.
YERE
[1530-31]

The Determinacion of the Universitie of Tholose.

There was treated in our universitie of Tholose a very harde question: Whether it be lefull for the brother to marye her whiche had ben wyfe to his brother now departed, and that without chyldren? There was besyde this another thyng that troubled us very sore: Whether, yf the pope which hath the cure of Christes flocke would by his dispensacion (as men call it) suffre this, that then at the least wyse it myght be lawfull? The Rector of the Universitie called

THE XXII.
YERE
[1530-31]

called to counsell all the Doctors regentes that were that tyme at Tholose for to shew their myndes on this question, and that not once, but twyse: For he judged that counsell gevyng ought not to be hasted nor doone upon head, and that we had neede of tyme and space to doo anye thyng conveniently and as it ought to bee. At the last there came together into one place all the best learned and connyngest doctors, both of holye divinitie, and also doctors that were best learned in bothe lawes, yea, and finally as many as had anye experience in any matter and wer able to do any thing either by judgement and discesion, or by eloquence or their excellent wyttes. And there dyd swere that they woulde obey the sacre and holy counsels, and would folowe the Decrees of the Fathers, which no man that hath any good conscience wyll violate or breake. And so every man sayde hys minde, and the matter was debated and reasoned diffusely and at large for bothe partes. In conclusion, we fel so fast to this poynte, that this was the sentence and determinacion that oure Universitie, with one voyce of all, dyd determine and conlude with moste pure and cleare conscience and defiled with no maner of leven or corrupcion: That it is lawfull for no man, neither by the law of God, nor by the law of nature, to take her to wyfe that his brother hath left: And seeynge that it may not be done by the law of God nor of nature, we answered all: That the Pope can lose no man from that lawe nor dispence with him. And as for that thyng can not be contrary to our sentence and verdyct: that the brother in olde time was compelled by the lawe of Deuteronomy to mary the brothers wyfe departed without issue: For this law was but a shadowe and a fygure of thynges to come, which vanysed away assone as ever the lyght and trueth of the Gospell appeared: And because these thynges be thus, we have geven our sentence after this forme above, and have commaunded the same to be sygned by our Notary which is our secretary, and to be fortified and aucthorised by the puttyng to of our autenticall Seale of our Universitie aforesayde, at Tholose the Calendes or fyrst daye of Octobre, the yere of our Lorde a thousand v.C.xxx.

After these Determinacions were read, there wer shewed above an hundreth bookes drawn by Doctors of straunge Regions, whiche all agreed the Kynges Mariage to be unlesfull, whiche

whiche were not read, for the day was spent. Then the Chauncellor sayd: Now you of this commen house may reporte in your cuntryes what you have seene and heard and then all men shall openly perceyve that the kyng hath not attempted this matter of wyll or pleasure, as some straungers reporte, but only for the discharge of his conscience and suretie of the succession of his realme: This is the cause of our repaire hyther to you, and now we wyll departe.

When these Determinacions were publysshed, all wyse men in the Realme moche abhorred that mariage: but women, and such as wer more wylfull then wyse or learned, spake agaynst the Determinacion, and sayed that the Universities were corrupte and entysed so to do, which is not to be thought. The Kyng him selfe sore lamented his chaunce and made no maner of myrth nor pastyme as he was wont to do, and dynd and resorted to the quene as he was accustomed, and minished nothyng of her estate, and moch loved and cheryshed their doughter the Lady Mary: but in no wyse he woulde not come to her bed. When Ester began to draw nere, the Parliament for that tyme ended, and was proroged till the last day of Marche, in the nexte yere.

In the Parliament aforesayde was an Acte made, that whosoever dyd poyson any persone, shoulde be boyled in hote water to the death: which Acte was made bicause one Richard Roose, in the Parliament tyme had poysoned divers persons at the Bisshop of Rochesters place, which Richard, according to the same Acte, was boyled in Smythfeld the Teneber wednesday followyng, to the terrible example of all other.

This winter season, on the xxvi. day of Janyver, in the cite of Luxborne in Portingale, was a wonderous Earthquake, which destroyed many houses and towers, and slew many people by fallynge downe of the same, the Kynges Palace shoke so, that he and the Quene, and the Ladyes fled out of their Palace, without any servauntes, and sought succour where they myght get it, and sodeinly the quaking ceased: Then the Rockes opened, and out sprange the water, that the shippes in the haven were lyke to have perished: Then the earth quaked agayne, and dyd more harme then before, and at nyght it ceased: of whiche Earthquake, many men were murthered and destroyed.

THE XXII.
YERE
[1530-31]

The Acte of
Poysonyng.

An earth-
quake.

When

THE LIVES OF THE KINGS

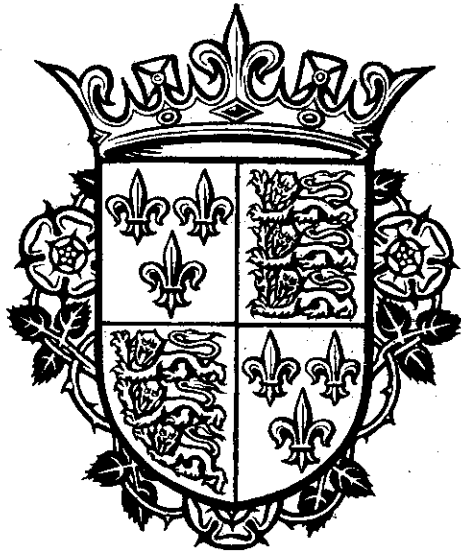
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BY EDWARD HALL

WITH AN INTRODUCTION BY

CHARLES WHIBLEY

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